

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GEORGE ROWE,

Plaintiff,

vs

1:04-CV-1283

JAGDAMBA, INC.

Defendant.

APPEARANCES:

GEORGE ROWE
Plaintiff, Pro Se
691 Third Street
Albany, New York 12206

DAVID N. HURD
United States District Judge

OF COUNSEL:

U. S. DISTRICT COURT
H. D. OF N. Y.
FILED

APR 22 2005

AT _____ O'CLOCK ____ M
LAWRENCE K. BAERMAN, Clerk
UTICA

ORDER

Pro se plaintiff George Rowe filed a complaint on November 4, 2004, alleging employment discrimination by defendant Jagdamba, Inc. Thereafter, plaintiff requested entry of default. On March 2, 2005, the Clerk entered default. However, plaintiff served the Summons and Complaint upon defendant by certified mail, which does not constitute proper service. See Fed. R. Civ. P. 4. Therefore, entry of default was not proper, and plaintiff's motion for default judgment must be denied.

Accordingly, it is

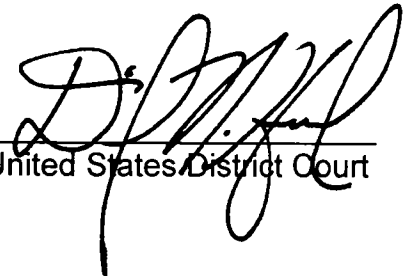
ORDERED, that

1. Plaintiff's motion for default judgment is DENIED;
2. The entry of default is stricken from the record; and

3. Plaintiff must properly serve the Summons and Complaint within sixty (60) days of this Order.

Further, this matter is referred to the assigned Magistrate Judge for pretrial proceedings.

IT IS SO ORDERED.



United States District Court

Dated: April 22, 2005
Utica, New York.